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By: **Delegates Amedori, Trueschler, Bohanan, Boteler, Bromwell, Cluster, DeBoy, Dwyer, Elliott, Elmore, Frank, Glassman, Hogan, Impallaria, Jennings, Kach, McComas, McConkey, McDonough, McMillan, Miller, Minnick, Myers, O'Donnell, Quinter, Sossi, Stocksdale, Stull, F. Turner, Walkup, Weir, and Zirkin**

Introduced and read first time: February 26, 2004  
Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Prohibited Monetary Recovery - Controlled Dangerous Substances,**  
3 **Burglary, and Crimes of Violence**

4 FOR the purpose of prohibiting an individual, or a beneficiary of the individual, from  
5 recovering monetary damages if the cause of the damages occurred during the  
6 individual's commission or attempted commission of certain criminal acts;  
7 providing that certain provisions do not apply to a governmental entity;  
8 requiring a person seeking to bar a certain recovery to prove certain facts by a  
9 preponderance of the evidence; providing for the application of this Act; and  
10 generally relating to prohibiting certain civil actions involving certain criminal  
11 acts under certain circumstances.

12 BY adding to  
13 Article - Courts and Judicial Proceedings  
14 Section 5-807  
15 Annotated Code of Maryland  
16 (2002 Replacement Volume and 2003 Supplement)

17 BY repealing and reenacting, without amendments,  
18 Article - Criminal Law  
19 Section 5-602, 6-202 through 6-204, and 14-101(a)  
20 Annotated Code of Maryland  
21 (2002 Volume and 2003 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
23 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Courts and Judicial Proceedings**

2 5-807.

3 (A) IN THIS SECTION, "PERSON" DOES NOT INCLUDE A GOVERNMENTAL  
4 ENTITY.

5 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN INDIVIDUAL OR A  
6 BENEFICIARY OF THE INDIVIDUAL MAY NOT RECOVER MONETARY DAMAGES  
7 AGAINST A PERSON IF THE CAUSE OF THE DAMAGES OCCURRED DURING THE  
8 INDIVIDUAL'S COMMISSION OR ATTEMPTED COMMISSION OF:

9 (1) A CRIME INVOLVING A CONTROLLED DANGEROUS SUBSTANCE  
10 UNDER § 5-602 OF THE CRIMINAL LAW ARTICLE;

11 (2) A BURGLARY IN THE FIRST, SECOND, OR THIRD DEGREE UNDER §  
12 6-202, § 6-203, OR § 6-204 OF THE CRIMINAL LAW ARTICLE; OR

13 (3) A CRIME OF VIOLENCE UNDER § 14-101 OF THE CRIMINAL LAW  
14 ARTICLE.

15 (C) TO BAR RECOVERY FOR MONETARY DAMAGES, A PERSON MUST PROVE, BY  
16 A PREPONDERANCE OF THE EVIDENCE, THAT THE CONDUCT OF THE INDIVIDUAL  
17 SEEKING DAMAGES, OR THE CONDUCT OF THE INDIVIDUAL UPON WHOM THE  
18 BENEFICIARY CLAIM IS BASED, WAS CONSISTENT WITH THE ELEMENTS REQUIRED  
19 FOR THE COMMISSION OR ATTEMPTED COMMISSION OF A CRIME SPECIFIED IN  
20 SUBSECTION (A) OF THIS SECTION.

21 **Article - Criminal Law**

22 5-602.

23 Except as otherwise provided in this title, a person may not:

24 (1) manufacture, distribute, or dispense a controlled dangerous  
25 substance; or

26 (2) possess a controlled dangerous substance in sufficient quantity  
27 reasonably to indicate under all circumstances an intent to manufacture, distribute,  
28 or dispense a controlled dangerous substance.

29 6-202.

30 (a) A person may not break and enter the dwelling of another with the intent  
31 to commit theft or a crime of violence.

32 (b) A person who violates this section is guilty of the felony of burglary in the  
33 first degree and on conviction is subject to imprisonment not exceeding 20 years.

1 6-203.

2 (a) A person may not break and enter the storehouse of another with the  
3 intent to commit theft, a crime of violence, or arson in the second degree.

4 (b) A person may not break and enter the storehouse of another with the  
5 intent to steal, take, or carry away a firearm.

6 (c) A person who violates this section is guilty of the felony of burglary in the  
7 second degree and on conviction is subject to:

8 (1) for a violation of subsection (a) of this section, imprisonment not  
9 exceeding 15 years; and

10 (2) for a violation of subsection (b) of this section, imprisonment not  
11 exceeding 20 years or a fine not exceeding \$10,000 or both.

12 6-204.

13 (a) A person may not break and enter the dwelling of another with the intent  
14 to commit a crime.

15 (b) A person who violates this section is guilty of the felony of burglary in the  
16 third degree and on conviction is subject to imprisonment not exceeding 10 years.

17 14-101.

18 (a) In this section, "crime of violence" means:

19 (1) abduction;

20 (2) arson in the first degree;

21 (3) kidnapping;

22 (4) manslaughter, except involuntary manslaughter;

23 (5) mayhem;

24 (6) maiming, as previously proscribed under Article 27, §§ 385 and 386 of  
25 the Code;

26 (7) murder;

27 (8) rape;

28 (9) robbery under § 3-402 or § 3-403 of this article;

29 (10) carjacking;

30 (11) armed carjacking;

- 1 (12) sexual offense in the first degree;
- 2 (13) sexual offense in the second degree;
- 3 (14) use of a handgun in the commission of a felony or other crime of  
4 violence;
- 5 (15) an attempt to commit any of the crimes described in items (1)  
6 through (14) of this subsection;
- 7 (16) assault in the first degree;
- 8 (17) assault with intent to murder;
- 9 (18) assault with intent to rape;
- 10 (19) assault with intent to rob;
- 11 (20) assault with intent to commit a sexual offense in the first degree; and
- 12 (21) assault with intent to commit a sexual offense in the second degree.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
14 construed to apply only prospectively and may not be applied or interpreted to have  
15 any effect on or application to any case in which the cause of action arises before the  
16 effective date of this Act.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
18 effect October 1, 2004.